

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

September 23, 2011

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 10KD-194

Kauai

Cancellation of Governor's Executive Order No. 4045 to
County Of Kauai for Residential Treatment Facility,
Hanapepe, Waimea, Kauai, Tax Map Key: (4) 1-8-008: 63.

APPLICANT:

County Of Kauai

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Hanapepe situated at Hanapepe,
Waimea, Kauai, identified by Tax Map Key: (4)1-8-008:63, as shown
on the attached map labeled Exhibit A.

AREA:

1.182 acres, more or less.

ZONING:

State Land Use District: Urban
County of Kauai CZO: Open District "O"

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: NO

CURRENT USE STATUS:

Governor's Executive Order No. 4045 setting aside 1.182 acres County Of Kauai for residential treatment facility purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements.

REMARKS:

The Board at its December 12, 2003 meeting under agenda Item D-37 approved the cancellation of Governor's Executive Order 1713 to the County of Kauai for Hanapepe Dog pound purposes and the set aside to the County of Kauai for residential treatment facility purposes

Governor Linda Lingle on April 26, 2004 executed Governor's Executive Order 4045 to the County Of Kauai for residential treatment facility purposes. (See Exhibit B)

In a letter dated August 10, 2010, Mayor Bernard P. Carvalho requested the cancellation of Governor's Executive Order 4045, due to both government and community opposition to the development of an adolescent residential treatment facility on the subject property.

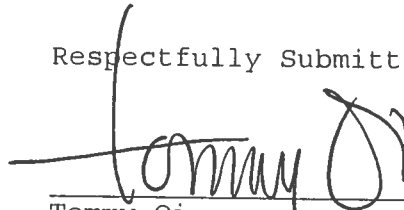
On November 24, 2010 Ken Morikawa from the County of Kauai, Department of Public Works and Staff did an inspection of the property, which was cleaned with a boulder placed at the entrance to the property to stop trespassing on the property.

RECOMMENDATION: That the Board:

1. Approve of and recommend to the Governor issuance of an executive order canceling Governor's Executive Order No. 4045, subject to:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;

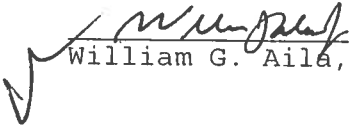
- C. Review and approval by the Department of the Attorney General; and
- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Tommy Oi
Kauai District Land Agent

APPROVED FOR SUBMITTAL:



William G. Aila, Chairperson

LAND COURT SYSTEM) REGULAR SYSTEM
Return by Mail () Pickup () To:

Total Number of Pages:
Tax Map Key No. (4)1-8-8:63

FROM: STATE OF HAWAII
BOARD OF LAND AND NATURAL RESOURCES

TO: COUNTY OF KAUAI
4444 Rice Street
Lihue, Hawaii 96766

EXECUTIVE ORDER NO. **4045**

SETTING ASIDE LAND FOR PUBLIC PURPOSES

BY THIS EXECUTIVE ORDER, I, the undersigned, Governor of the State of Hawaii, by virtue of the authority in me vested by Section 171-11, Hawaii Revised Statutes, and every other authority me hereunto enabling, do hereby order that the public land hereinafter described be, and the same is, hereby set aside for the following public purposes:

FOR RESIDENTIAL TREATMENT FACILITY PURPOSES, to be under the control and management of the County of Kauai, being

EXHIBIT "D"

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DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 621
HONOLULU, HAWAII 96809

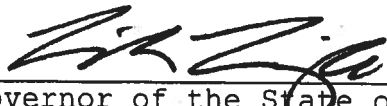
PRELIM. APPR'D.
Department of the
Attorney General

that parcel of land situate at Hanapepe, Waimea, Kauai, Hawaii, designated as "Residential Treatment Facility," containing an area of 1.182 acres, more particularly described in Exhibit "A" and delineated on Exhibit "B," both of which are attached hereto and made parts hereof, said exhibits being respectively, a survey description and survey map prepared by the Survey Division, Department of Accounting and General Services, State of Hawaii, both being designated C.S.F. No. 23,695 and dated February 11, 2004.

SUBJECT, HOWEVER, to the condition that upon cancellation of this executive order or in the event of non-use or abandonment of the premises or any portion thereof for a continuous period of one (1) year, or for any reason whatsoever, the County of Kauai shall, within a reasonable time, restore the premises to a condition satisfactory and acceptable to the Department of Land and Natural Resources, State of Hawaii.

SUBJECT, FURTHER, to disapproval by the Legislature by two-thirds vote of either the Senate or the House of Representatives or by majority vote of both, in any regular or special session next following the date of this Executive Order.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Hawaii to be affixed. Done at the Capitol at Honolulu this 26th day of April, 2004.


Governor of the State of Hawaii

APPROVED AS TO FORM:


Deputy Attorney General

Dated: April 1, 2004

PRELIM. APPR'D.
Department of the
Attorney General

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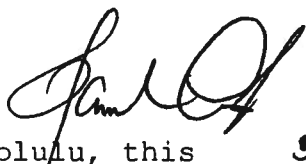
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STATE OF HAWAII

Office of the Lieutenant Governor

THIS IS TO CERTIFY That the within is a true copy of
Executive Order No. 4045 setting aside land for public
purposes, the original of which is on file in this office.

IN TESTIMONY WHEREOF, the Lieutenant
Governor of the State of Hawaii, has
hereunto subscribed his name and caused
the Great Seal of the State to be affixed.


DONE in Honolulu, this 9th day of

May, A.D. 2004

PRELIM. APPR'D.
Department of the
Attorney General



STATE OF HAWAII

SURVEY DIVISION

**DEPT. OF ACCOUNTING AND GENERAL SERVICES
HONOLULU**

C.S.F. No. 23,695

February 11, 2004

RESIDENTIAL TREATMENT FACILITY

Hanapepe, Waimea, Kauai, Hawaii

Being a portion of the Government (Crown) Land of Hanapepe.

Beginning at the southwest corner of this parcel of land and on the north side of Lokokai Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUOLO" being 2965.56 feet North and 758.22 feet East, thence running by azimuths measured clockwise from True South:-

- | | |
|--------------------|--|
| 1. 168° 48' | 339.35 feet along Park Site, Governor's Executive Order 3077; |
| 2. 257° 43' | 150.00 feet along the south side of 40-Foot Road; |
| 3. 348° 50' | 346.17 feet along the remainder of the Government (Crown) Land of Hanapepe; |
| 4. 78° 50' | 11.75 feet along the north side of Lokokai Road; |

**PRELIM. APPR'D.
Department of the
Attorney General**

EXHIBIT "A"

February 11, 2004

5. Thence along the north side of Lokokai Road on a curve to the right with a radius of 2443.30 feet, the chord azimuth and distance being:
80° 27' 09" 138.08 feet
to the point of beginning and containing
an AREA OF 1.182 ACRES.

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

By: Glenn J. Kodani
Glenn J. Kodani
Land Surveyor gm

Compiled from CSF 12295
and other Govt. Survey Records.

PRELIM. APPR'D
Department of the
Attorney General

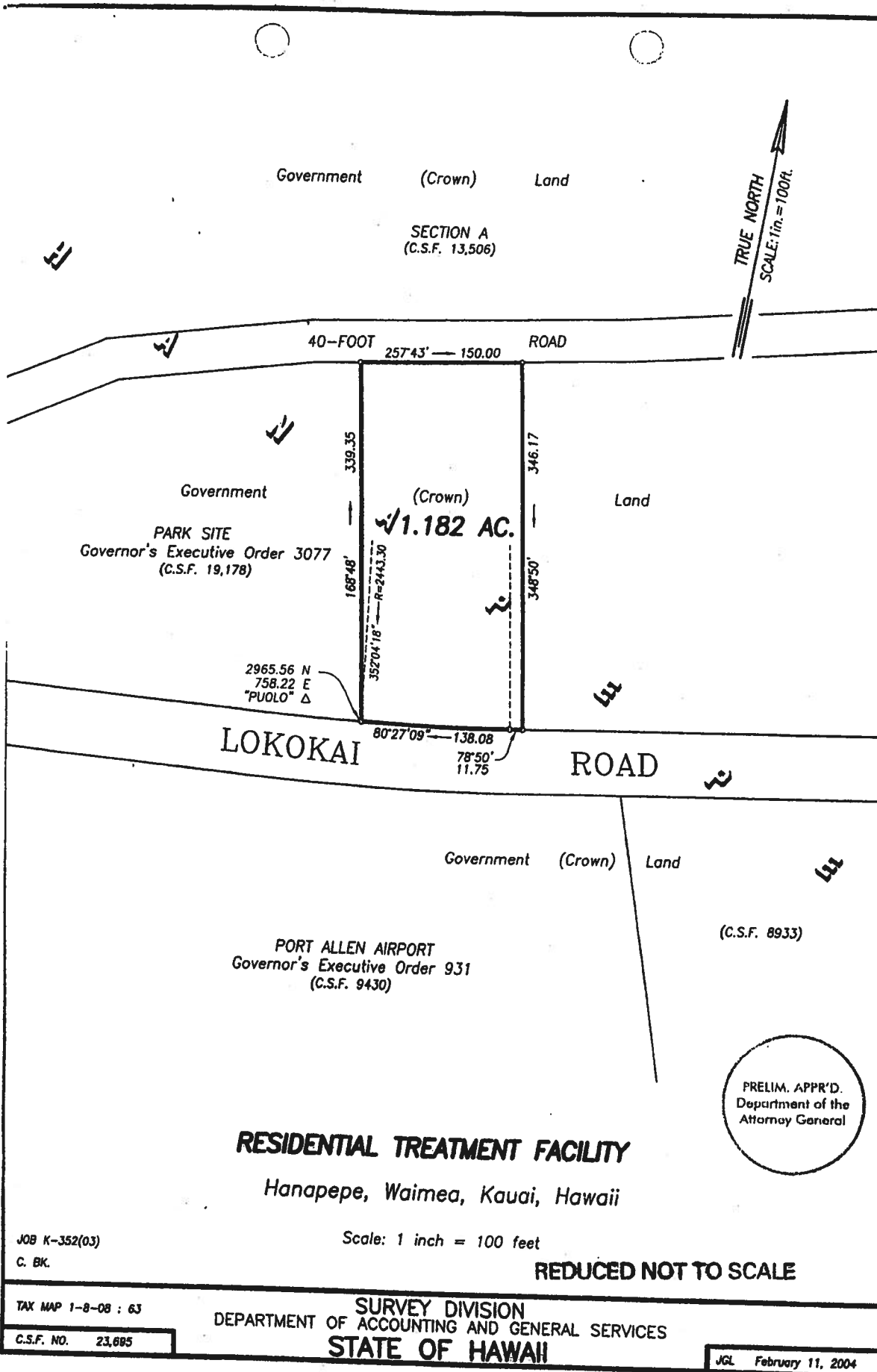


EXHIBIT "B"